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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,462	01/05/2004	Darian Muresan	5896-08600	4905
35690 7590 10/09/2008 MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398				
EXAMINER HSU, AMY R				
ART UNIT 2622		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/752,462

Applicant(s)

MURESAN, DARIAN

Examiner

AMY HSU

Art Unit

2622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 9/22/2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____ (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: Z.
 Claim(s) objected to: 3-6, 10-13 and 16-19.
 Claim(s) rejected: 1-2, 8-9, 14-15, 26-27.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Lin Ye/
 Supervisory Patent Examiner, Art Unit 2622

Continuation of 11. does NOT place the application in condition for allowance because: Applicant asserts that the examiner's final rejection does not address the wording used in the applicant's claims. Examiner maintains the final rejection and further explanation to address applicant's remarks after final rejection follows.

Applicant's remarks state that the final rejection reference, Kohashi (US 6642960), does not teach "calculating for a current missing green pixel, interpolation errors in an East-West (EW) direction" or "averaging the EW interpolation errors". Kohashi calculates interpolation errors in an EW direction because Kohashi's method attempts to interpolate by determining or inferring the type of configuration or edge to which a fault pixel belongs (Col 13 Lines 52-55). Figs. 9A-B shows the east west direction for which interpolation error is calculated, as further described in Col 15. Kohashi calculates errors for a missing pixel, where errors are differences between the surrounding pixels of a certain direction, and where the different directions including east west are seen in Fig. 9. To address the missing pixel is green, examiner uses 103 rejection with further embodiments to teach the missing pixel is green. Therefore, Kohashi teaches calculating interpolation errors in an east west direction. To even further clarify, the term interpolation error is a broad term where attached meaning is open for interpretation. In Kohashi, interpolation error applies to calculating differences in signals of the pixels in several directions to find which is closest, which corresponds to the direction to which the missing pixel belongs. Other than this edge, the other edges are errors with respect to interpolation.

Regarding the word "averaging" as used in the claims, examiner does not necessarily interpret it as the mathematical average because firstly, this meaning is not made clear in the claims, and secondly even in applicant's specification in paragraph 54, averages means same number of components compared. Specifically, EW direction has four pixels and NS direction compares four pixels for errors and the total of these pixels compared are then compared to determine if the EW four pixels or the NS four pixels give more error. If examiner goes by this interpretation used in the applicant's specification, then Kohashi teaches averaging the EW interpolation errors. As stated above, the various directions of Fig. 9 are used to determine which direction gives least interpolation error, meaning closest in signal level to each other. The three pixels highlighted are the ones compared which make up the direction in any of the blocks of Fig. 9. Comparing levels is further addressed with Fig. 8. Three horizontal or east west direction pixels are compared in Fig. 9A, and three vertical or North South pixels are compared in Fig. 9C, so these signal levels of the highlighted pixels represent interpolation error as discussed above, and said pixels are averaged meaning same number of pixels are compared as opposed to other direction.

Applicant's remarks state that Kohashi does not disclose "selecting a direction indicated by a minimum of EW error and NS error". This is addressed in Col 13 starting from Line 50 including the example of Fig. 1A. The more minimum error direction corresponds the the direction with less signal difference. For example with Fig. 1A, the pixels surrounding the fault pixel in the horizontal direction are less different than the vertical surrounding pixels. Therefore Kohashi teaches selecting a direction indicated by a minimum of EW error and NS error, where EW and NS correspond to horizontal and vertical directions with respect to the missing pixel.

The above explanation applies also to claims 8 and 14.

Regarding applicant's remark of Claims 26 and 27 where applicant states that examiner does not address averaging interpolation errors, as discussed above, the directions as indicated by the highlighted pixels outlined in Fig. 9 are for determining interpolation errors, and those pixels are averaged, or compared, to determine if that direction as compared to another direction has a more minimum difference in signal levels.